

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14871 of 2022**

Arising Out of PS. Case No.-50 Year-2021 Thana- MAHILA P.S. District- Samastipur

Jitendra Kumar Chaurasiya Son of Ram Pravesh Chaurasiya R/O Village-
Sahit Ward No.-09, P.S.- Vidyapati Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 12-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Samastipur Mahila P.S. Case No. 50 of 2021 registered for the
offence under Sections 376, 420 and 506 of the Indian Penal
Code and under Section 4 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.07.2021.

The allegation against the petitioner is to commit rape
/ sexual penetrative assault upon the informant, who is minor,
while attending marriage party.

Learned Senior counsel, Y.C. Verma, appearing on



behalf of the petitioner submitted that entire prosecution is false for the reason that the present F.I.R. has been lodged with an inordinate delay of 49 days, without having any just explanation. It has also been submitted that no video clips surfaced during the course of investigation, as claimed to record occurrence. It has been pointed out that there is contradiction between written complaint of the informant/victim *qua* statement recorded under section 164 of the C.P.C. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, and moreover, investigation has already been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that as FIR is delayed, which may be due to trauma received by the minor victim. It has further been submitted that victim specifically and categorically supported in her statement as recorded under Section 164 of Cr.P.C., as to commit sexual penetrative assault. It has further been submitted that Medical Board, while examining the victim clearly mentioned the age of the victim about 15 ½ to 16 ½ years.

In view of the facts and circumstances as mentioned



above, as there is specific allegation as regard to penetrative sexual assault against the petitioner, which is duly supported by victim in her statement recorded Section 164 Cr.P.C., this Court is not inclined to grant privilege of bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected

The trial court is directed to conclude the trial at its earliest, in accordance with law.

The Superintendent of Police, Samastipur, is directed to produce the charge-sheeted witnesses, as and when directed by the trial court, to conclude the trial expectiously.

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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